Supreme Court, U. S.
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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1975

NO. 75-5077

ALEXANDER MCLAUGHLIN,

Petitioner

vs

STATE OF NORTH CAROLINA,

Respondent

ON WRIT OF CERTIORARI
TO THE
SUPREME COURT OF NORTH CAROLINA

RESPONSE OF RESPONDENT, STATE OF NORTH CAROLINA, IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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CITATION TO OPINION BELOW

The opinion of the Supreme Court of North Carolina is reported at 286 NC 597, 213 SE 2d 238 (1975), and is appended to Petitioner's petition as Appendix A.

JURISDICTION

Petitioner seeks to invoke the jurisdiction of this Court pursuant to 28 USC Sec. 1257(3).

QUESTION PRESENTED

I. WHETHER THE IMPOSITION AND CARRYING OUT OF THE SENTENCE OF DEATH FOR THE CRIME OF MURDER UNDER THE LAW OF NORTH CAROLINA VIOLATES THE EIGHTH OR FOURTEENTH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. This case involves the Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States.

2. This case involves NC Gen. Stats. Secs. 14-17, 14-18, 15-187, and 15-188 as cited by defendant-petitioner in his Petition for Writ of Certiorari.

STATEMENT OF CASE

Petitioner, Alexander McLaughlin, was tried and convicted of five counts of first-degree murder at the February 1974, Criminal Session, Robeson County Superior Court, Lumberton, North Carolina. Petitioner appealed his conviction to the North Carolina Supreme Court, which, in its Opinion filed April 14, 1975, affirmed petitioner's conviction and death sentence. Petitioner now seeks review in this Court upon Petition for Writ of Certiorari to review the judgment of the Supreme Court of North Carolina.

STATEMENT OF FACTS

The State-respondent adopts as its own as if fully set out herein the facts as stated by the North Carolina Supreme Court at Pages 239-241 (Southeastern Reporter) of its Opinion in STATE V MCLAUGHLIN, 286 NC 597, 213 SE 2d 238, a copy of which is attached to petitioner's petition as Appendix A.

ARGUMENT

I. THE COURT SHOULD NOT GRANT CERTIORARI TO CONSIDER WHETHER THE IMPOSITION AND CARRYING OUT OF THE SENTENCE OF DEATH FOR THE CRIME OF MURDER UNDER THE LAW OF NORTH CAROLINA VIOLATES THE EIGHTH OR FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

There is no valid reason for the Court to grant certiorari at this time to hear this question. This Court in the case of FOWLER V NORTH CAROLINA, No. 73-7031 (October Term, 1974) granted certiorari to petitioner Jessie Thurmon Fowler to hear this identical question. Extensive briefs were submitted in that case and oral arguments were made before this Court on April 21, 1975. Reargument has been scheduled for the October 1975 Term of this Court. This question, therefore, has been presented to the Court, has been accepted for hearing by the Court, oral arguments before the Court have already been made; and further arguments are to be made. Therefore, any decision in this case should be dependent on the outcome of the FOWLER case, and the Petition to Grant Certiorari should be denied.

CONCLUSION

For the foregoing reasons, the State-Respondent respectfully submits that certiorari should be denied.

Respectfully submitted this the 12th day of August, 1975.

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing RESPONSE OF THE STATE OF NORTH CAROLINA TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NORTH CAROLINA on petitioner by depositing the same in the United States Mail addressed to the following persons:

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